

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Pearle Eye Lab Express

Petition No. 930316-57-001

CONSENT ORDER

WHEREAS, Pearle Eye Lab Express, of Danbury, Connecticut (hereinafter "respondent"), has been issued optical shop permit 001402 pursuant to Chapter 381 of the General Statutes of Connecticut, as amended, by the Department of Public Health and Addiction Services (hereinafter "the Department"); and,

WHEREAS, respondent hereby stipulates and agrees as follows:

1. From at least February 20, 1993 until February 15, 1994, respondent has provided optical services under an optical shop permit for which there was no currently valid optician of record on file with the Department;
2. On February 20, 1993, respondent provided optical services while no licensed optician was on the premises.
3. On February 3, 1994, respondent applied for an optical shop permit listing an optician of record, which permit the Department issued on February 15, 1994.
4. By the conduct as set forth in paragraphs 1 and 2 above, respondent has violated the provisions of §20-154 of the Connecticut General Statutes.

NOW THEREFORE, pursuant to §19a-17 and §20-154 of the General Statutes of Connecticut, Pearle Eye Lab Express, through Kevin J. Rogan, secretary of Pearle Vision, respondent's owner, hereby stipulates and agrees to the following:

1. That it waives its right to a hearing on the merits of this matter.
2. That it shall pay a civil penalty of one thousand (\$1,000.00) dollars in the form of a certified or cashier's check payable to "Treasurer, State of Connecticut", which civil penalty shall be submitted with this executed Consent Order.

3. That respondent shall notify the Department within five (5) days of respondent's knowledge that it does not or may not have a licensed optician of record.
4. That it shall fully comply with all state and federal statutes and regulations applicable to its optical shop permit, including the requirement that it have a licensed optician on its premises at all times when it is legally required to do so.
5. That this Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Board of of Examiners for Opticians (hereinafter "the Board") in which (1) its compliance with this same Order is at issue, or (2) its compliance with Chapter 381 of the General Statutes of Connecticut, as amended, is at issue.
6. That legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Medical Quality Assurance of the Department.
7. That any violation of the terms of this Consent Order constitutes an emergency and a clear and immediate danger to the public health and safety as defined by §§4-182(c) and 19a-17(c) General Statutes of Connecticut, respectively.
8. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that it may have under the laws of the State of Connecticut or of the United States.
9. That this Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

10. That a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department is authorized to present this Consent Order and the factual basis for said Consent Order to the Board. It understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.
11. That respondent has consulted with an attorney prior to signing this document.
12. That respondent understands that this Consent Order is a matter of public record.

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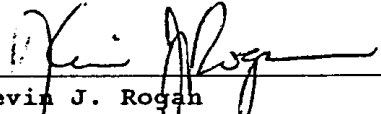
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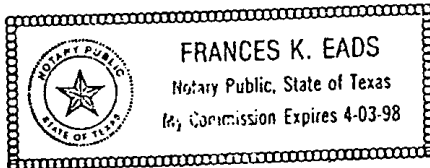
I, Kevin J. Rogan, secretary and duly authorized officer of Pearle Vision, the owner of Pearle Eye Lab Express, have read the above Consent Order, and on behalf of Pearle Vision, agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be the free act and deed of Pearle Vision.

Pearle Eye Lab Express

BY:


Kevin J. Rogan
Secretary of Pearle Vision
Owner of Pearle Eye Lab Express

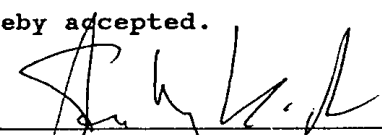
Subscribed and sworn to before me this 7th day of July 1994.





Notary Public

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Public Health and Addiction Services on the 17th day of

July 1994, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Opticians on the 27th day of July 1994, it is hereby ordered and accepted.


Connecticut Board of Examiners for Opticians